

511 East Sixth Avenue
Helena, MT 59601

Testimony on SB 81
before
The House Education Committee
March 18, 2009

Madam Chairperson Grinde, Members of the Committee:

For the record I, Claudette Morton, of Helena, Montana, am submitting this written testimony in opposition to SB 81.

When the Montana Constitution was revised in 1972, Montanans were concerned that public education be on an equal footing with higher education so they created two boards—the Board of Regents and the Board of Public Education appointed by the governor. The legislature set up the staggered terms and later it was determined that there would be only four from the governor's party on each board and that they would represent different geographical areas. The 1972 Constitution also kept the elected Superintendent of Public Instruction.

I have been particularly interested in this public education governance structure since coming to work for the Office of Public Instruction. Part of the reason I took the position was to be able to understand who make the rules that schools and teachers have to live by in Montana. While working at OPI I became clear on ARM and MCA with regard to Montana public education and even wrote some changes to them. In 1986 I became the Executive Secretary of the Board of Public Education and in that role I researched different state governance structures. Since the introduction of this bill, I have updated my research.

In terms of public policy, the Board of Public Education does not make very many bold policies and has never made an extravagant one. They use the Montana Administrative Rules Procedure; even though as a constitutional board some feel they would not have to. The Board of Regents does not. They do extensive research with the help of the Office of Public Instruction and hold extensive hearings. They are cognizant of the fact that in the Constitution they "exercise general

supervision over the public school system" while the local boards of trustees have the "supervision and control of schools in [their] school district[s]".

I bring these points up because the proposed legislation if enacted into law would create a train wreck for our public schools. No state has both an elected Board of Public Education and Superintendent of Public Instruction. In every other state one is elected and the other appointed.

Secondly, I have seen instances of new state board members who felt they wanted to 'fix' something in their local district when they were first appointed to the board. They had to recognize that this was not their role. However, I'm not sure that if elected they would not feel more inclined to take on those powers.

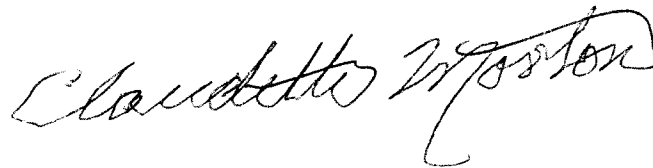
What of the Board of Education? One board, the Board of Public Education, would be elected and the other, the Board of Regents, would be appointed. How will that balance work?

I have heard legislators speak of concerns about bureaucracies. If members of the Board of Public Education were elected, you would have more bureaucracy than you have now. They would need salaries, benefits, offices and more staff. After five years they would be vested in the state retirement system. They would be full time, like the Public Service Commission.

In terms of working with the legislature, I think an elected board would be less, not more inclined to share their responsibilities.

An amendment to the Montana Constitution needs to be examined for its many ramifications as it can before it is submitted to the voters. I submit these arguments to show that the ramifications of this proposal have not been well thought through. I urge you to vote no on SB 81.

Thank you.

A handwritten signature in cursive script, reading "Claudette Weston". The signature is written in dark ink and is positioned at the bottom center of the page.